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REMARKS

This Amendment is submitted supplementary to the previous Amendment.

With the present Amendment applicants further amended the claims so as to more clearly define the present invention and to distinguish it from the prior art.

Turning now to the reference applied by the Examiner, and in particular to the U.S. patent no. 4,904,996, it is respectfully submitted that this patent discloses a device for monitoring environmental conditions. Sensors of parameters and conditions of environment are located in a separately suspended block 22 which is not in contact with a lying conductor. In particular, in the block 22 there is a sensor of temperature of environment which measures the temperature of air near the line conductor.

The device in accordance with the present invention is provided for monitoring of an overhead power transmission line conductor. It includes a sensor of temperature of the line conductor. This sensor has a heat contact with the line conductor, and in particular can be introduced into means for attaching the device or its housing to the line conductor.

Increase of current in the conductor leads to its heating and increase in lagging due to a temperature expansion of the conductor. The transfer to the central control unit of current data about the temperature of conductor allows, by means of corresponding calculations made preliminarily and carried out in a real time, to determine a corrected value of lagging or a distance from the ground-a clearance of the line conductor on a corresponding stretch of the powertransmission line. It is possible to use the line in extreme mode, and due to limiting of load or in other words current in the line, to prevent unacceptable closeness of the line to the ground.

The device disclosed in U.S. patent 4,904,996 is not configured to obtain this result and such result can not be obtained with its use.

This result which makes possible the determination in the control unit of lagging in a critical stretch of the line, can be also obtained due to the use, in the device located on the conductor line, of the GPS system which determines its position in a three dimensional coordinate system.

U.S. patent no. 6,072,396 discloses a system for determination by means of the GPS and transmission to a central unit, of geographical or in other words two-dimensional coordinates of a moving object. In contrast, the device of the present invention determines by means of the GPS and transfer the data in

three dimensional coordinates of the module which is stationarily arranged on the line conductor and the coordinates of the line conductor.

This reference also does not teach the new features of the present invention.

It is believed to be clear that none of the references teaches the new features of the present invention which are now defined in the independent claims, as well as in the dependent claims. The combination of the references proposed by the Examiner would not lead to the applicant's invention as well. In order to arrive at the applicant's invention from the references, the references have to be fundamentally modified by including into them the new features of the present invention which are first proposed by the applicants and now defined in the claims.

However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such modification. This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals, which for example, held in its decision in re Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest, it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

As explained herein above, the present invention provides for the highly advantageous results which can not be accomplished by the devices disclosed in the references. It is well known that in order to support a valid rejection the art must also suggest that it would accomplish applicant's results. This was stated by the Patent Office Board of Appeals in the case *Ex parte Tanaka, Marushma, and Takahashi* (174 USPQ 38), as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicant's result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.


In view of the above presented remarks and amendments, it is believed that the claims currently on file should be considered as patentably distinguishing over the art and should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is

respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-243-3818).

Respectfully submitted,


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